

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the
District of New Mexico**FILED**UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

United States of America

v.

MICHAEL CANDELARIA

SEP 25 2018

Case No. 18mj 3108

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of September 24, 2018 in the county of Bernalillo in the
District of New Mexico, the defendant(s) violated:*Code Section*

18 U.S.C. § 111 (a)(1)

*Offense Description*Forcibly assaulting, resisting, impeding, intimidating, or interfering with a
federal official by physical contact (misdemeanor).

This criminal complaint is based on these facts:

See attached affidavit.

☒ Continued on the attached sheet.*Complainant's signature*

Manuel Castillo, Jr., Special Agent, DHS/FPS

Printed name and title

Sworn to before me and signed in my presence.

Date:

25
09/24/2018 KBM*Judge's signature*

City and state:

Albuquerque, New Mexico

U.S. Magistrate Judge

Printed name and title

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO
ALBUQUERQUE DIVISION**

UNITED STATES OF AMERICA

v.

MICHAEL CANDELARIA

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**AFFIDAVIT IN SUPPORT OF
CRIMINAL COMPLAINT**

No.

I, Manuel Castillo, Jr. of the United States Department of Homeland Security, Federal Protective Service, being duly sworn, do hereby swear and affirm the following facts as being true to the best of my knowledge, information and belief.

I am a Special Agent with the Federal Protective Service (FPS), United States Department of Homeland Security, and have been working with FPS for approximately six years and one month. In that capacity, I investigate violations of the United States Federal Criminal Codes, Code of Federal Regulations and related offenses. I have reason to believe MICHAEL CANDELARIA has violated Title 18 United States Code, Section 111(a)(1) Assaulting, resisting, or impeding certain officers or employees by physical contact.

The facts to support a finding of Probable Cause are as follows:

1. The information in the following paragraphs, furnished in support of this affidavit, comes from the personal investigation of Affiant; and from other officials and related to Affiant in person or through Affiant's review of their investigative reports.
2. On September 24, 2018 at approximately 12:05 PM, the Federal Protective Service (FPS) was dispatched by the Denver MegaCenter (DMC) to respond to the Social Security Administration Office of Disability Adjudication and Review (SSA-ODAR) office, located at 555 Broadway Boulevard NE, Albuquerque, New Mexico 87102; in regards to a male subject (later identified as CANDELARIA) who had gained access to the Federal employee parking lot and was attempting to enter and vandalize vehicles. The DMC also reported CANDELARIA was carrying pruning shears or scissors in his hand. As Inspector Carrillo (while wearing a full police uniform and marked vehicle with the letters, "POLICE" written on the vehicle and on Carrillo's uniform patch), arrived to meet with CANDELARIA, he ran in the opposite direction from Carrillo. Carrillo began running towards CANDELARIA and was able to catch up to him. Inspector Marcum arrived to assist Carrillo in detaining CANDELARIA.
3. Area Commander MILLER also arrived to assist officers in detaining CANDELARIA. MILLER observed CANDELARIA on the ground with the front of his body facing the ground,

and was kicking his legs and attempting to roll his torso towards the officers. Inspector Carrillo instructed CANDELARIA several times to stop moving so they could search him for weapons. CANDELARIA refused to obey any instructions by officers by continuing to move his legs in a kicking motion and move his arms towards his waist area. MILLER informed CANDELARIA to stop fighting with officers; however, CANDELARIA continued kicking his legs and attempted to place his hands into his left rear pocket.

4. MILLER attempted to place his hands on CANDELARIA's hamstring area to prevent CANDELARIA from kicking and to minimize movement on CANDELARIA's hip area so officers could search CANDELARIA for weapons. As MILLER attempted this, CANDELARIA kicked MILLER on his left knee approximately three times, causing him pain and discomfort. MILLER quickly moved back to prevent from being kicked by CANDELARIA, and MILLER placed his body weight onto CANDELARIA's hamstring area. CANDELARIA was unable to move his legs.

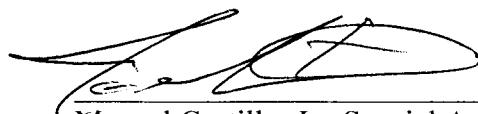
5. During CANDELARIA's search for weapons, officers located a pair of sharp pruning shears, approximately 6-8 inches total in length inside CANDELARIA's left pocket.

6. The investigation revealed while CANDELARIA was being detained by FPS officers, MILLER was struck by CANDELARIA kicking MILLER's left knee approximately three times, causing pain and discomfort to MILLER's left knee.

7. Area Commander Miller is a law enforcement officer with Federal Protective Services and therefore is an officer and employee of the United States as defined by 18 U.S.C. § 111 and 1114.

The information contained in this Affidavit is based upon affiant's personal observations, investigation, training, and also from information affiant has received from other law enforcement officers and/or agents. Based on the facts and information as stated in this Affidavit, affiant believes there is probable cause to believe that CANDELARIA violated Title 18 United States Code, Section 111(a)(1) Assaulting, resisting, or impeding certain officers or employees by physical contact.

I, Manuel Castillo, Jr., declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.



Manuel Castillo, Jr., Special Agent
Department of Homeland Security
Federal Protective Service

Kare Bmdz
9/25/2018